

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being submitted *via* the USPTO EFS Filing System on the date shown below to **Mail Stop Appeal Brief-Patents**, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Date: March 17, 2008/Kimberly Webb/
Kimberly Webb**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of:

Applicant(s): Steven M. Sikorski

Examiner: Michelle K. Lay

Serial No: 10/748,992

Art Unit: 2628

Filing Date: December 29, 2003

Title: INVERTED TERMINAL PRESENTATION SCANNER AND HOLDER

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

Dear Sir:

Applicants' representative submits this Reply Brief in response to the Examiner's Answer dated January 22, 2008. In the event any additional fees may be due and/or are not covered by the credit card, the Commissioner is authorized to charge such fees to Deposit Account No. 50-1063 [SYMBP165USA].

I. Status of Claims (37 C.F.R. §41.37(c)(1)(iii))

Claims 18-37 stand rejected by the Examiner. The rejection of claims 18-37 is being appealed.

II. Grounds of Rejection to be Reviewed on Appeal (37 C.F.R. §41.37(c)(1)(vi))

A. Whether claims 18-21, 23, 24 and 29-37 are obvious under 35 U.S.C. § 103(a) in view of Browning (US 6,707,581 B1) in view of Manchester (US 2004/0201595 A1).

B. Whether claim 22 and 25 is obvious under 35 U.S.C. § 103(a) in view of Browning in view of Manchester, and further in view of Hoon *et al.* (US 2002/0186878).

C. Whether claims 26-28 are obvious under 35 U.S.C. §103(a) in view of Browning, in view of Manchester, and further in view of Melaku *et al.* (US 2003/0144793 A1) and Cardno (US 2004/0036712 A1).

III. Argument (37 C.F.R. §41.37(c)(1)(vii))**A. Regarding the Rejection of Claims 18-21, 23, 24, 29-37 Under 35 U.S.C. §103(a)**

The Examiner incorrectly maintains the rejection of claims 18-21, 23, 24, 29-37 under U.S.C. §103(a) as being unpatentable over Browning (6,707,581) in view of Manchester (2004/0201595). It is respectfully submitted that this rejection should be reversed for at least the following reasons. Browning and Manchester, individually or in combination, do not disclose or suggest each and every element of the claimed subject matter.

The subject invention relates to systems and methods for facilitating data capture and/or display of data to users (*See Abstract*). In particular, independent claim 18 (and similarly independent claims 29 and 37) recites *an image capture component that captures optical signals related to a product, the capture corresponds to inversion or rotation of the system*. For example, a user A can capture an image B while the mobile scanning terminal is upside down. The image capture can correspond to the inversion and/or rotation of the system. Thus, if user A sends the captured image B to another entity, the image B will be seen as right-side up,

regardless of the orientation of the mobile scanning terminal when image B was captured (*See* Specification pg. 11, ll. 5-11). Browning and Manchester fail to disclose or suggest such novel aspects of the claimed invention.

Browning merely relates to a handheld PDA or the like that scans text or a barcode and converts the scanned image into alphanumeric text or other computer-readable information. The Examiner concedes that Browning is silent with respect to orienting images on a display. However, the Examiner contends that Browning discloses *an image capture component that captures optical signals related to a product, **the capture corresponds to inversion or rotation of the system.*** In particular, the Examiner contends that in order to correctly receive the correct information related to the barcode, the method/system of Browning must be able to rotate/invert the barcode when the user is holding the handheld scanner at odd angles or even upside down, and thus it can capture the correct orientation of the barcode regardless of how the user is holding the handheld scanner. Applicant's representative respectfully avers to the contrary. As mentioned in the Appeal Brief, and is reiterated herein, no where does the cited reference disclose capturing optical signals related to a product, wherein the capture corresponds to inversion or rotation of the system. Furthermore, the Examiner fails to cite any passage of Browning describing altering orientation, and simply concludes that in order to function, it must be able to perform this task. Moreover, Browning indicates that the scanner is in fact quite unable to perform the task of re-orientation. Browning allows a user to reject a scanned image if it is read unreliably because *the scanner was skewed relative to a line of printed text* (*See* col. 3, l. 57). Therefore, it is readily apparent that, the Examiner incorrectly contends that Browning discloses capturing optical signals related to a product, wherein the capture corresponds to inversion or rotation of the system.

In addition, Manchester fails to make-up for the aforementioned deficiencies of Browning with respect to independent claims 18, 29, and 37. Manchester merely relates to a method for orienting a display image which includes sensing at least one characteristic of an object and determining the orientation of the object from at least one of the sensed characteristics (*See* paragraph 5). However, Manchester does not disclose or suggest *an image capture component that captures optical signals related to a product, let alone **the capture corresponds to inversion or rotation of the system*** as recited in the subject claims.

In view of at least the foregoing, it is readily apparent that Browning and Manchester,

alone or in combination, do not disclose or suggest the subject invention as recited in independent claims 18, 29 and 37 (and associated dependent claims). Accordingly, this rejection should be reversed.

B. Regarding the Rejection of Claims 22 and 25 Under 35 U.S.C. §103(a)

The Examiner incorrectly maintains the rejection of claims 22 and 25 under U.S.C. §103(a) as being unpatentable over Browning (6,707,581) in view of Manchester (2004/0201595) as applied to claim 18 above, and further in view of Hoon *et al.* (2002/0186878). It is respectfully submitted that this rejection should be reversed for at least the following reasons. Browning, Manchester and Hoon *et al.*, individually or in combination, do not disclose or suggest all the claim limitations set forth in the subject claims. In particular, Hoon *et al.* does not make up for the aforementioned deficiencies of Browning and Manchester with respect to independent claim 18 (from which claim 22 and 25 depend there from). Therefore, the subject invention as recited in claims 22 and 25 is not obvious over the combination of Browning, Manchester and Hoon *et al.* Thus, it is respectfully requested that this rejection be reversed.

C. Regarding the Rejection of Claims 26-28 Under 35 U.S.C. §103(a)

The Examiner incorrectly maintains the rejection of claims 26-28 under U.S.C. §103(a) as being unpatentable over Browning (6,707,581) in view of Manchester (2004/0201595) as applied to claim 18 above, and further in view of Melaku *et al.* (2003/0144793) and Cardno (2004/0036712). It is submitted that this rejection should be reversed for at least the following reasons. Browning, Manchester, Melaku *et al.*, and Cardno, individually or in combination, do not disclose or suggest all the claim aspects set forth in the subject claims. In particular, Melaku *et al.* and Cardno do not make up for the aforementioned deficiencies of Browning and Manchester with respect to independent claim 18 (from which claim 26-28 depend). Accordingly, claim 26-28 is allowable for at least the same reasons discussed *supra*. Hence, this rejection should be reversed.

D. Conclusion

The subject application is believed to be in condition for allowance in view of the above comments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [SYMBP165USA].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

AMIN, TUROCY & CALVIN, LLP

/Himanshu S. Amin/

Himanshu S. Amin

Reg. No. 40,894

AMIN, TUROCY & CALVIN, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731